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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 09-0582 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME BETWEEN
v.)	JULY 6, 2009 AND JULY 27, 2009 FROM
)	CALCULATIONS UNDER THE SPEEDY
JAMES GILBERT KELLEMS,)	TRIAL ACT (18 U.S.C. § 3161)
)	
)	
Defendant.)	
)	
)	

The defendant, James Gilbert Kellems, represented by Shawn Halbert, Assistant Federal Public Defender, and the government, represented by Cynthia M. Frey, Assistant United States Attorney, appeared before the Court on July 6, 2009 for a status hearing. Defendant requested a continuance of this matter.

The parties agreed that time be excluded under the Speedy Trial Act between July 6, 2009 and July 27, 2009 for purposes of continuity of and effective preparation of counsel, in

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STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
CR No. 09-0582 MHP

1 order to provide defense counsel with adequate time to review the discovery and conduct
2 necessary investigation.

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4 In addition, the defendant agrees to exclude for this period of time any time limits
5 applicable under 18 U.S.C. § 3161. The parties represent that granting the continuance, in order
6 to provide defense counsel with adequate time to review the discovery and to conduct additional
7 investigation, is necessary for continuity of and effective preparation of counsel, taking into
8 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that
9 the ends of justice served by granting such a continuance outweighed the best interests of the
10 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

11 SO STIPULATED:

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13 JOSEPH P. RUSSONIELLO
United States Attorney

14
15 DATED: July 9, 2009

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17 _____/s/
CYNTHIA M. FREY
Assistant United States Attorney

18 DATED: July 9, 2009

19 _____/s/
SHAWN HALBERT
Attorney for JAMES GILBERT KELLEMS

1 Based upon the representation of counsel and for good cause shown, the Court finds that
2 failing to exclude the time between July 6, 2009 and July 27, 2009 would unreasonably deny the
3 defendant continuity of counsel and would deny counsel the reasonable time necessary for
4 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
6 between July 6, 2009 and July 27, 2009 from computation under the Speedy Trial Act outweigh
7 the best interests of the public and the defendant in a speedy trial.
8

9 Therefore, IT IS HEREBY ORDERED that the time between July 6, 2009 and July 27,
10 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
11 3161(h)(7)(A) and (B)(iv).
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13 DATED: 7/13/2009
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